

CITY OF NORTHAMPTON, MA

DRUG AND ALCOHOL TESTING POLICY

Policy Statement

The City of Northampton recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial vehicles presents a serious threat to the safety and health of the driver and the general public. It is the policy of the City of Northampton that its drivers and support personnel should be free of drugs and alcohol. In order to further our goal of obtaining both a drug and alcohol free workplace and transportation system, and to comply fully with the Omnibus Transportation Employee Testing Act of 1991 administered by the U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA), the City of Northampton has implemented a drug and alcohol testing program to help reduce and avoid traffic accidents and injuries to our employees and the public, to discourage substance and alcohol abuse, and to reduce absenteeism, health care costs, and other drug and alcohol-related problems.

Purpose

The U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued regulations implementing the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 which require alcohol and controlled substance testing of drivers who are required to have a commercial driver's license. These regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety-sensitive positions. The purpose of this policy, consequently, is to establish an alcohol and controlled testing program to help prevent accidents and injuries resulting from the misuse of these substances by drivers of commercial motor vehicles.

Application

For purposes of this policy, the City of Northampton strictly prohibits the use of alcohol and/or controlled substances by its employees who are performing, ready to perform or ceasing to perform, the following safety sensitive functions:

1. Operation of a commercial motor vehicle (CMV).
2. Repair and maintenance of a commercial motor vehicle.
3. Control the movement of a commercial motor vehicle (i.e. - dispatches).
4. Directly supervising employees who perform safety-sensitive job functions.

Prohibited Conduct

City of Northampton policy and federal regulations prohibit employees from engaging in the following conduct:

1. Using, possessing, dispensing, distributing or receiving alcohol, intoxicants, illegal drugs or other controlled substances on City premises, or while engaged in City business.
2. Reporting to work under the influence or with any measurable amount of alcohol, intoxicants, illegal drugs, or other controlled substances in their system.
3. Reporting to work under the influence of a prescription drug, unless the employee's physician determines that the use of the prescription drug will not adversely affect the employee's ability to perform in a safety-sensitive position.
4. Consuming any amount of alcohol, intoxicants, illegal drugs or other controlled substances while on duty or within four (4) hours of reporting for duty.
5. Refusing to undergo or cooperate in any alcohol or drug testing required by this policy.
6. Deliberately misusing this policy in regard to subordinates.

Any employee who violates any of the rules set forth above will be subject to discipline, up to and including termination.

Prohibited Alcohol Usage

Safety sensitive employees may not consume alcohol:

1. Within four (4) hours before performing a safety-sensitive function;
2. While performing a safety-sensitive function;
3. After a fatal accident unless the employee has been tested or eight (8) hours have elapsed from the actual time of the accident; or
4. After a non-fatal accident unless the employee's involvement can be completely discounted as a contributory factor to the accident, the employee has been tested, or eight (8) hours have elapsed from the actual time of the accident.

Prohibited Use Of Controlled Substances

The unauthorized use of any controlled substance is strictly prohibited in all situations.

Required Tests

U.S. DOT regulations require an employee to submit to the appropriate alcohol and drug test. An employee who refuses to be tested, cannot be permitted to continue to work. Refusal to test is considered to be any time an employee either fails to provide enough breath for alcohol testing or enough urine for controlled substance testing without a valid medical reason after being notified of the testing requirements, or if he/she clearly obstructs the testing process. Refusal to take a required test will result in removal of that employee from their assignment(s) which in time, may result in discipline, up to and including termination.

The following tests are required and shall be conducted in accordance with federal alcohol and controlled substances regulations:

1. Pre-employment - Any individual not currently employed by the City who is applying for a safety-sensitive position shall be required to undergo drug testing after a conditional offer of employment has been made.
2. Post-accident - A covered employee who is involved in a commercial motor vehicle accident as defined in the standard operating procedure (SOP) manual, shall be tested for alcohol and controlled substances as soon as practicable after the time of the accident.
3. Reasonable suspicion - All employees shall be required to submit to the controlled testing procedures provided for in the DOT regulation when there is reasonable suspicion that the employee is using, or under the influence of a controlled substance.
** In a situation where an employee is either acting in an impaired manner or the supervisor has reasonable suspicion to believe the employee is using or under the influence of alcohol or drugs, the supervisor may order the employee to undergo a drug or alcohol test.*
4. Random - Unannounced random testing is required on certain percentages of drivers each year. The City of Northampton made arrangements with an authorized testing service to conduct these tests in accordance with U.S. DOT regulations. Twenty-five percent (25%) of all drivers must be randomly tested for alcohol during the first year of the testing program. Fifty percent (50%) of drivers must be randomly tested for controlled substances during each year of the testing program.
5. Return to duty - Return to duty testing is required for drivers who violated prohibitions and are returning to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required.
6. Follow-up - Follow-up testing is required when a driver returns to a safety sensitive function. The regulations require a minimum of six (6) tests during the first year back in a safety sensitive position, however, follow-up testing may continue for up to five years.

Cost of Testing

The City of Northampton shall pay for the cost of all required alcohol and drug testing, except for the split drug test as defined in the SOP manual. If the split test is determined to be negative and the driver is consequently determined not to have violated a prohibition, the City of Northampton shall reimburse the employee for the reasonable cost of the split test.

Pay Status

Employees receiving initial positive results in alcohol or controlled substances tests shall be placed on administrative leave without pay for further testing. If a final determination is subsequently made that the employee has tested positively, that employee shall be subject to discipline, up to and including termination. If a final determination of negative test results is made, the employee's leave shall be retroactively reclassified as administrative leave with pay and the employee shall receive all the pay he or she would have been entitled to had he/she been placed on leave.

Evaluation and Treatment

A driver who violates a prohibition will be referred to a substance abuse professional for evaluation in accordance with federal regulations. Any treatment or rehabilitation will be provided in accordance with existing policies and/or agreements.

Confidentiality of Records

The City of Northampton respects the confidentiality and privacy rights of all of its employees. Accordingly, the results of any test administered under this policy and the identity of any employee participating in the City's Employee Assistance Program as a result of a violation of a prohibition or other assessment or treatment program will not be revealed by the City to anyone except as required by law or as specifically authorized by the employee. In addition, the City will ensure that any lab or agency used to conduct testing under this policy will maintain the confidentiality of employee test records. However, the lab or testing agency will disburse information related to a positive drug or alcohol test of an individual to: the individual being tested; the City; the decision maker in a lawsuit, grievance, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas.

All records related to drug and alcohol tests of individuals will be maintained in individual files separate from the employee's personnel file.

Any employee having questions with respect to the scope of this policy and its contents may contact the Human Resources Department at 587-1256.

**CITY OF NORTHAMPTON, MA
STANDARD OPERATING PROCEDURES
FOR POSITIVE DRUG AND/OR ALCOHOL TEST**

Following a positive result of a drug and/or alcohol test, the employee must contact the Personnel Department within one working day following notification by the Blood Alcohol Technician or Medical Review Officer.

Should the procedures and time lines not be followed by the employee, he/she shall be subject to the provisions regarding disciplinary measures.

PROCEDURE

When an employee covered by the Federal DOT regulations has tested positive for drug or alcohol based on a random, reasonable suspicion, or post-accident test, the following procedures will be applied:

1. The employee will contact the Personnel Director or his designee within one (1) working day following notification of a positive drug and/or alcohol result.

The Personnel Director will review with the employee the procedures to be followed.
2. Should the drug test be positive as a result of a controlled substance, the employee may request a split sample test within 72 hours of notification of the positive test result. The employee will pay the cost of the split test but should the test come back negative the City will reimburse the employee for any expenses incurred.
3. If the split test results are negative, the employee may return to his/her safety sensitive duties.
4. If the original and/or split sample test results and/or the alcohol confirmation test are positive - one of the following may apply:
 - a) According to DOT regulations, the City may choose not to return the employee to safety-sensitive duties and may initiate the termination process. All employees will be given information regarding treatment and rehabilitation and the availability of the EAP services but the City will not be under obligation to pay for such treatment.
 - b) If an employee chooses not to follow the procedures, he/she may choose to resign.
 - c) If the employee wants to return to safety sensitive duties, the employee must receive an SAP evaluation and meet all requirements and treatment

recommendations, etc. The employee must sign a release of information that allows employer to contact the EAP to discuss the SAP evaluation and treatment recommendations.

- d) The employee must contact the EAP within three working days of communication with the Personnel Director or his/her designee regarding a confirmed alcohol test or an original positive drug test (see #1 above).
- e) Once the employee contacts the EAP, the SAP will do a two session evaluation. If the EAP is unable to provide services, the employee will be referred to a qualified SAP for the evaluation utilizing the employee's health insurance benefits. Should a qualified SAP not be available through the health insurance, the City will cover the expense of the two session SAP evaluation.
- f) Following the evaluation, a report will be sent by the SAP to the Personnel Director or his/her designee and the employee, recommending whether or not there should be treatment. If no treatment is recommended, the employee must have a return to work drug and/or alcohol test performed at the expense of the employee. If the test results are negative, the employee may return to safety sensitive duties.

If treatment is recommended by the SAP, the employee must comply immediately with the treatment plan. The treatment plan will be outlined in the assessment with an appropriate indication as to when a second SAP evaluation will be conducted. Should an employee not comply with these requirements, he/she will be subject to immediate discipline which may include termination/discharge.

When a second SAP evaluation is completed and the employee has complied with the treatment plan, he/she may have a return to duty test at the expense of the employee, and if negative, be eligible to return to safety sensitive duties.

NOTE: The SAP evaluation is not a determination of the employee's fitness for duty but whether the employee has complied with treatment recommendations. It is the exclusive responsibility of the employer to determine if an employee will return to work following a second SAP evaluation.

- g) Pursuant to federal regulations follow-up random testing will be conducted no less than six times over the next twelve months. The employee is responsible for payment of all required follow-up tests.

AUTHORIZATION FOR RELEASE AND RECEIPT OF INFORMATION

Name _____ Date _____

Duties _____

Test Results and dates of positive tests _____

Insurance coverage _____

I, _____, agree to contact the ServiceNet Employee Assistance Program within three (3) working days regarding an evaluation by an SAP. I allow the above information to be transmitted to the EAP and further allow the EAP staff to discuss and release the results of the EAP evaluation and treatment recommendation to the Personnel Director and/or his/her designee and :

Employee signature: _____

Date: _____ Time: _____

**DRUG
ABUSE
AND
ALCOHOL
FOR
DRIVERS**



INTRODUCTION

**DRUNK DRIVER COLLIDES WITH BUS – 37 DIE!
BUS OVERTURNS – 1 DEAD, 18 INJURED. DRIVER DUTY!
AMTRAK TRAIN SLAMS INTO LOCOMOTIVE – 16 DIE.
175 INJURED. ENGINEER HIGH ON MARIJUANA.
HEAD-ON COLLISION KILLS MOTHER AND CHILD.
SLIGHTLY INJURED PICKUP DRIVER
“DRUNK AS A SKUNK”, SAY WITNESSES.**

These are just a few of the headlines that have shocked the nation in recent years, resulting in a wide-spread "call-to-action" against substance abuse and alcohol misuse. Today, more than ever, drugs and alcohol in the workplace have become a serious problem.

Let's look at some statistics:

1. Every 23 minutes a death occurs as a result of a drug or alcohol related accident.
2. A typical abuser is:
 - a. Late to work 3 times more often
 - b. Requests twice as much time off
 - c. Is absent 2 1/2 times more than the average worker
 - d. Uses 3 times as many sick benefits
 - e. Collects 5 times as much worker's compensation
 - f. Has 300% higher medical costs and benefits.

If these statistics haven't convinced you that the problem is serious, let's look at a few more.

tions undergo drug and alcohol awareness training, and be tested for drug or alcohol abuse.

Whether you drive a tractor-trailer, school bus, motorcoach, dump truck or some other type of vehicle, you are affected by these regulations. As the operator of a commercial motor vehicle, you have an important responsibility. Every time you get behind the wheel of your vehicle you become the caretaker of not only your life, but the lives of all the motorists with whom you share the road.

Because of this responsibility, the Department of Transportation and your employer want you to be aware of the effects of drugs and alcohol, and want you to know where to get help you, or someone you know needs it.

A recent national survey reported that:

1. 19% of ALL children over the age of 12 have used some type of illegal drug.
2. 65% of 18 to 25 year olds have used some type of illegal drug, which is an increase of 1600% in eleven years!!
3. 30 to 40 million Americans stated they have used cocaine.
4. By age 17, 70% of American teenagers have tried alcohol.

So, as you can see, drug and alcohol abuse is a serious problem, having a major effect on all our lives. Even though you may not be abusing drugs or alcohol, you are affected by the results of drug and alcohol abuse in our society. You pay higher medical costs to help cover the costs for abusers who cannot afford the cost of treatment. You pay higher insurance costs to help fund the drug and alcohol abuse programs paid for by insurance companies. The materials and services you buy cost more because of decreased worker productivity, as well as increased costs to employers.

You pay more in automobile insurance to help cover the cost of accidents caused by drunk or drug impaired drivers. As many as 50% of all traffic fatalities are a result of drug or alcohol abuse. According to the National Safety Council, 40,300 deaths occurred in 1992 because of vehicle collisions. As many as 50% of them could have been prevented if those drivers were not drinking and driving.

Because drug and alcohol abuse has become such a major problem, the Department of Transportation has passed regulations requiring that all employees in safety sensitive posi-

HISTORY OF DRUG AND ALCOHOL TESTING IN THE TRANSPORTATION INDUSTRY

In December of 1990, certain segments of the transportation industry began drug testing and training of their employees. The original regulation requiring this testing and training was found in the *Federal Motor Carrier Safety Regulations (FMCSR)*, Part 391, Subpart H. It required that all companies involved in the interstate shipment of goods test and train their drivers for substance abuse.

Generally, this regulation, FMCSR Part 391, Subpart H, only pertained to trucking companies which crossed state lines, or in some way were involved in the interstate shipment of goods or products. Excluded from drug testing under this regulation were intrastate (which means the drivers do not cross state lines) carriers, school bus operators, utility companies, transit operators, drivers employed by city, state or county governments and other modes of transportation not involved in the interstate shipment of goods or products.

In the fall of 1991, the United States Congress passed into law the OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991. This Act required the Department of Transportation to establish drug and alcohol testing and training regulations for all drivers of commercial motor vehicles, who are required by law to have a commercial drivers license.

The Department of Transportation responded, and on March 17, 1994, issued the *FMCSR 49 CFR, Part 382, Subparts A through F*.

WHEN DO FMCSR 49 CFR, Part GO INTO EFFECT

These regulations go into effect on January 1, 1995, organizations with 50 or more drivers.

Organizations with less than 50 drivers have until Jan 1, 1996 to implement these regulations.

WHO MUST COMPLY

WITH FMCSR 49 CFR, Part 382?

When fully implemented, this new regulation will completely replace the old drug testing regulations which were contained in Part 391.

You must comply with these regulations if:

You hold a commercial drivers license and

1. Operate a commercial motor vehicle with a gross weight vehicle rating (GWR) of 26,000 lbs. or higher.
2. Operate a vehicle with a manufacturer's rating to transport 16 or more persons, including the driver.
3. Operate a vehicle requiring hazardous material placards to be displayed.

Simply put, any driver who is required by job function to be in possession of a CDL and to be "Driver Qualified", must be tested for both alcohol and drugs.

Your employer must tell you who in your organization been designated to answer questions regarding FMCSR 49 Part 382. Record that information on the inside back cover of handbook.

This regulation, Part 382, also requires that your employer provide you with "educational materials" prior to commencement of alcohol or drug testing. These materials explain your employer's policies and procedures with respect to the requirements of Part 382. The regulations require that your employer give you the "educational material" in writing. Your employer is also required to give written notice to any employer organization that these "educational materials" are available.

The material found in this **DRUG ABUSE and ALCC MISUSE TRAINING GUIDE for CDL DRIVERS** meets all of requirements for training and distribution of educational materials for training and distribution of educational materials. An optional video program is available entitled: "**Substance Abuse and Alcohol Misuse Video Training for CDL Drivers**". Once you have watched the video (if available) and/or reviewed the material in this handbook, you will have met the requirements of the regulation and you will have a better understanding of responsibilities and those of your employer.

Enclosed with this handbook is a "Driver Handbook Receipt and Certification of Training". Upon completion of training your employer will request that you complete and sign this form and return it to the instructor. This is the verification you received the training and received the "educational materials" required by the regulations. This form will be kept in your Driver Qualification File.

WHEN DOES

FMCSR 49 CFR, Part 382 APPLY?

These regulations apply to employees involved in the transportation industry when they are performing "safety-sensitive" functions. For commercial drivers, safety-sensitive means on-duty time.

On-duty time is defined as all time from the time a driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work.

Of course, this includes all time spent driving. But it also includes all time spent inspecting the vehicle, loading or unloading, all time waiting to load or unload or to leave on a trip unless the driver has been specifically relieved of duty.

Simply stated, a driver is considered to be performing a safety-sensitive function during any period in which he is actually performing, ready to perform or immediately available to perform a safety-sensitive function.

As it pertains to drinking any alcoholic beverages, the regulation also says that no driver may consume alcohol within 4 hours of going on duty. Therefore, the period of the work day for which you must be in compliance would be 4 hours prior to actually reporting for work and during all time thereafter while on duty or available to be on duty.

For more information regarding the term "on-duty time", refer to the *Federal Motor Carriers Safety Regulations (FMCSR)* Part 395.2.

PROHIBITION

If you violate any of the alcohol or drug prohibitions found under Subpart B of 49 CFR 382, the regulations require your employer to take certain, specific actions.

Before discussing the actions which your employer must take, let's look at the prohibited practices.

PART 382.201 - ALCOHOL CONCENTRATION

No driver shall report for duty or remain on duty in a safety-sensitive function while having an alcohol concentration of 0.04 or greater. However, a driver whose alcohol test indicates an alcohol concentration of 0.02 or greater but less than 0.04, not perform or continue to perform any safety-sensitive function for the employer for a minimum of 24 hours.

PART 382.204 - ALCOHOL POSSESSION

No driver will be on duty or operate a commercial motor vehicle while the driver possesses any alcohol. The only exception to this is if the alcohol is manifested and being transported as part of a shipment. In which case, obviously, it had better not be in the cab or in reach of the driver while driving.

PART 382.205- ON-DUTY USE

No driver shall use alcohol while performing a safety-sensitive function.

PART 382.207 - PRE-DUTY USE

No driver shall perform a safety-sensitive function within four hours after using alcohol.

PART 382.209 - USE FOLLOWING AN ACCIDENT

No driver required to take a post-accident alcohol test shall do so for eight (8) hours following the accident, or until the driver has taken the post-accident alcohol test, whichever occurs first.

WHAT DRUG

PART 382.211 - REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE TEST

No driver shall refuse to submit to any of the following alcohol or controlled substance test:

- a.) Post-Accident
- b.) Random
- c.) Reasonable Suspicion
- d.) Follow-Up

PART 382.213 - CONTROLLED SUBSTANCE USE

No driver shall report to work, or shall work in a safety-sensitive function, if that driver uses any controlled substance. The only exception to this would be if a physician prescribes any medication containing a controlled substance and the physician advises you that the substance will not adversely affect your ability to operate a commercial motor vehicle. Your employer has the right to require you to report the use of any therapeutic drug.

PART 382.215 - CONTROLLED SUBSTANCES TESTING

No driver shall report for duty, remain on duty or perform any safety-sensitive function if that driver tests positive for controlled substance.

ARE COVERED UND FMCSR 49 CFR, Part 382

As stated in Part 382, screening will be done for the following drugs:

- ◆ AMPHETAMINES
- ◆ COCAINE
- ◆ MARIJUANA
- ◆ OPIATES
- ◆ PHENCYCLIDINE (PCP)

FACTS ABOUT AMPHETAMINES

Amphetamines are central nervous system stimulants. They tend to make people "hyper" and "jumpy". They can be taken either orally or injected. They are often used by drivers to stay awake and to counteract the effects of drowsiness. They are especially dangerous to take while driving.

SIGNS AND SYMPTOMS OF AMPHETAMINE USE:

- ◆ Hypersensitivity ◆ Grinding Teeth ◆ Loss of Appetite
- ◆ Exhaustion ◆ Numerous Pills ◆ Dry Mouth
- ◆ Dilated Pupils ◆ Sweating ◆ Excessive Talking

EFFECTS ON DRIVING:

- ◆ More likely to take risks ◆ Delayed reaction time
- ◆ Impaired judgment ◆ Impaired muscle coordination
- ◆ Over-actions when driving, such as:
 - Over-breaking
 - Over-acceleration
 - Over-steering

FACTS ABOUT COCAINE

Cocaine also stimulates the central nervous system. It gives the user an intense feeling of well-being, or euphoria, known as a "high". The "high" will last for 10 to 60 minutes. A more potent form of the drug called "crack" cocaine is especially addicting and dangerous. Although it's "high" lasts only about 8 minutes, "crack" cocaine can be addicting after only one use and can cause death the first time it is used. Cocaine can be injected, snorted, or free-based. Snorting is sniffing the drug up nose, and free basing is done by heating the drug and inhaling the vapors.

SIGNS AND SYMPTOMS OF COCAINE USE:

- ◆ Mood Swings ◆ Depression ◆ Bad Breath
- ◆ Weight Loss ◆ Nose Bleeds ◆ Euphoric Feeling
- ◆ Restlessness: ◆ Irritable, angry, ◆ Running Nose,
- Difficulty sitting nervous, ◆ Uncontrollable
 or standing in arguing easily sniffing
- one place

EFFECTS ON DRIVING:

- ◆ Slowed reaction time
- ◆ Slower response to traffic situations
- ◆ Unable to correctly measure time and distance
- ◆ Distorted vision and depth perception

FACTS ABOUT MARIJUANA

Marijuana is a depressant and mind altering drug.

Marijuana does not depress the central nervous system's reaction, it works on the brain. Mind altering means it causes hallucinations. It can be eaten or smoked. Street names for marijuana are "dope", "grass", "joint", "hash", or "hooch".

Drivers of commercial motor vehicles put themselves and others in danger when they use marijuana and drive. Tests have shown that a driver's reflexes and thought processes are slower under the influence of marijuana. The effects of this drug are longer lasting than first thought. In fact, impairment can last more than 24 hours after using marijuana. The body actually stores the drug for days, weeks, and in some cases, months, depending on the frequency of use.

SIGNS AND SYMPTOMS OF MARIJUANA USE:

- | | | |
|----------------------------|--|--------------------------|
| ◆ Dilated Pupils | ◆ Slowed Reflexes | ◆ Slowed Thinking |
| ◆ Giddiness | ◆ Moodiness | ◆ Trance-Like State |
| ◆ Impaired Visual Tracking | ◆ Reduced Concentration | ◆ Odor of Burning Rope |
| ◆ Unable to Sleep | ◆ Often Drives Slower Than Speed Limit | ◆ Short-Term Memory Loss |
| ◆ After Prolonged Use | | |

SIGNS TO LOOK FOR:

- | | |
|-------------------------------------|--|
| ◆ Cigarette rolling paper | ◆ Hash pipe (very small pipe) |
| ◆ Roach clip (device to hold joint) | ◆ Dried plant material, either crumpled or pressed together in a small, hard clump |

EFFECTS ON DRIVING:

- | | |
|---|---|
| ◆ Slowed reaction time | ◆ Slow to make decisions |
| ◆ Slower response to traffic situations | ◆ Unable to correctly measure time and distance |
| ◆ Distorted vision and depth perception | |

Whenever marijuana is taken with alcohol, the effects can both be magnified many times over. It is very important that a driver knows that the effects of marijuana are unpredictable. The effects will vary depending on the quality of the drug, the tolerance of the user, and the dosage or amount taken. Be aware! the marijuana of today is up to 15 times stronger or more potent than the marijuana of the 60's, and it sometimes contains filler such as PCP, or other more dangerous chemicals.

FACTS ON OPIATES

Opiates are classified as a narcotic analgesic. They tend to have a sedating, calming effect, and act as a depressant to the central nervous system. Opiates are more commonly known as morphine, codeine, and heroin. Street names for opiates are "junk", "smack", "horse" and "brown sugar".

Opiates are prescribed by doctors to relieve pain, but they are used by the abuser to relax or "escape from the real world". They can either be taken orally, injected or smoked.

When the drug is injected, the user feels an immediate "rush", usually followed by a very relaxed and soothing feeling. However, some opiates can cause very unpleasant side effects such as nervousness, nausea, and restlessness, and, if taken in excess, may cause coma or death.

SIGNS AND SYMPTOMS OF OPIATE USE:

- ◆ Mental Confusion ◆ Slurred Speech ◆ Unsteadiness
- ◆ Memory Loss ◆ Hostility ◆ Drowsiness
- ◆ Excess Talking ◆ Euphoria ◆ Depression
- ◆ Cold, Moist or ◆ Short Attention ◆ Reduced Feeling
Bluish Skin Span to Pain

EFFECTS ON DRIVING:

- ◆ No concentration on driving ◆ Distorted sense of time and
- day dreaming distance
- ◆ Distorted vision

FACTS ON PHENCYCLIDINE (PCP)

Phencyclidine, commonly called "Angel dust", is known as a dissociative anesthetic. Users of PCP may experience hallucinations and signs of intoxication. They may not be able to focus their attention or will experience confusion and lack of coordination. Although PCP has immediate short term effects, it is also known for its long term effect of causing psychotic behavior often associated with violent acts. Other street names for PCP include "hog", and "crystal". PCP may be smoked, snorted or injected.

SIGNS AND SYMPTOMS OF PCP USE:

- ◆ Delusions ◆ Increased Blood Pressure
- ◆ Confusion ◆ Anxiety
- ◆ Panic ◆ Flashbacks

EFFECTS ON DRIVING:

- ◆ More likely to take risks ◆ Impaired coordination
- ◆ Aggressive actions with vehicle

OVER-THE-COUNTER AND PRESCRIPTION DRUGS

Just because it's legal to purchase non-prescription medicine over the counter, it doesn't mean they are legal or safe to use while driving. DOT regulations do not permit drivers to take anything that can affect their ability to drive. For example, certain cold remedies contain antihistamines. Antihistamines may make the driver drowsy. If the warning on the box or label clearly states: "Product may cause drowsiness: Do not operate heavy equipment or machinery while taking", it is a violation of DOT regulations to take it and drive a commercial motor vehicle.

Over-the-counter stimulants such as "Be-Alert" or "No-Doz" or "Stay Awake", are all considered legal, and are used by drivers to stay awake. However, these products only keep the driver's eyes open. They cannot overcome the effects of fatigue on the body. Thought processes and reaction speed are still those of a person who is tired and fatigued. And in an emergency, this driver may not be able to perform as well as if he were well rested.

Is it okay to take prescription medicine as long as it has been prescribed by a doctor? Well, maybe...but not if the prescription medication contains ingredients which may make the you drowsy. When talking with a doctor, be sure the doctor knows what kind of work you do so the doctor can prescribe a medicine that won't affect your ability to drive.

WHAT ABOUT PRESCRIPTION MEDICINE?

Is it okay to take prescription medicine as long as it has been prescribed by a doctor? Well, maybe...but not if the prescription medication contains ingredients which may make the you drowsy. When talking with a doctor, be sure the doctor knows what kind of work you do so the doctor can prescribe a medicine that won't affect your ability to drive.

Your employer has the right to require that you inform him of any medications you are taking.

DRUG TEST PROCEDURE

The DOT prescribes that a process known as urinalysis used to test for the five drugs. To maintain the accuracy and integrity of the tests, and to protect the rights of the employee, very strict procedure must be followed. Let's discuss each procedure in detail so that you understand exactly how the process be performed.

SPECIMEN COLLECTION:

1. When it is your turn to report for a drug test, you will be sent to a collection site, usually a clinic or doctors office, hospital etc., which has been approved for the collection of urine, blood samples for testing. The site must have the authorized personnel, equipment and facilities to properly obtain the samples and forward them to a NIDA certified drug testing laboratory.

The collection site must have adequate security to prevent the specimen from being tampered with in any way. Only an authorized collection person will be permitted to handle the specimen. It will be done in such a way as to assure that the specimen has not been adulterated or contaminated in any way, and that the specimen is in fact yours.

2. When you arrive at the testing site, the collection site personnel must make a positive identification. This can be done with your photo ID., or if the employer has sent a company representative with you, the representative can provide identification or verification. If the person to be tested cannot be positively identified, the procedures will stop at that point and specimens will be taken.

3. Once proper identification has been established, you will be asked to take off any unnecessary clothing such as a coat jacket. This is done so that you cannot conceal or hide anything which may be used to contaminate or adulterate the

specimen. It is also done to prevent anyone from bringing urine donated by someone else. Some collection sites have policies that require you to remove all clothing and put on a hospital type gown. In either case, you may keep your wallet. You also have the right to request a receipt for items removed.

4. You will be requested to wash and dry your hands. This is done to remove any substances which may be on the hands or under the fingernails which may be used to contaminate the specimen. Once this has been done, you will be required to remain in the presence of the authorized collection site person, and will not be permitted to go near anything which could be used to contaminate the specimen.

5. Next, you will be given a specimen bottle and asked to provide a specimen. You will be permitted to go into the rest room or stall alone to provide the specimen. Once inside you will see that the water in the toilet has been dyed blue and that there is no access to a workable faucet.

What if you can't provide the specimen? Collection site personnel will instruct you to drink up to 24 oz. of fluids during a two hour period, during which time you may try again to provide a specimen.

6. Once you have provided the sample, give it to the appropriate site person. You must remain in view of the specimen at all times until it has been sealed in the proper shipping container

The site personnel perform several tests on the sample, to make sure it is in fact yours and that it has not been contaminated. First he or she will look at the specimen to detect any impurities or discolorations. Then the specimen will be checked to determine if it is the proper temperature. The temperature must be read within four minutes from the time it leaves your body. The temperature range must be between 90.5 degrees Fahrenheit and 99.8 degrees Fahrenheit. If it is

not within this range, that is reason to believe that the specimen has either been altered or substituted. In other words you will be suspected of either sneaking in someone else's urine, or watering the specimen down, or altering it in some way.

7. Assuming that the temperature is within the proper range, the sample looks as it should, a tamper proof seal will be placed over the top of the bottle and down both sides. Writing on the seal will be the your identifying number, date and other information required by your employer, such as company name. You will be asked to initial the seal guaranteeing that its content is in fact the sample you provided. The sample will then be placed in an envelope. The site collection person will fill out and sign the drug testing custody form, certifying that the sample was obtained in accordance with the federal requirements. You will be asked to read and sign a statement certifying that the sample enclosed is in fact yours. The site collection person will complete the "Chain of Custody and Control" form. They will be sealed in an envelope, then the specimen and envelope will be sealed in a shipping container and sent to a NIDA approved lab for testing.

*However, if a site collection person receives a specimen that does not appear to be the right color or the temperature is not in the proper range, the driver will be asked to provide another specimen. This time a person of the same sex will accompany him/her into the bathroom, and watch the same being provided. After that, the same procedures for testing sealing and initializing will be provided and both this sample and the one suspected of being tampered with will be sent the NIDA approved lab for testing. **

**Effective August 15, 1994, samples will be split. Security provisions listed above must be followed for both resulting samples.*

DRUG TESTING PROCEDURES:

Assuming that the specimen was not tampered with, and the Chain of Custody Form and the Control Form were completed correctly, and the shipping container arrived at the designated lab unopened, the specimen will then be processed.

1. Once the sample is received at the NIDA approved lab, the lab begins their own internal Chain of Custody Form to assure the specimen is not tampered with. The shipping container will be opened and a lab technician will inspect the Chain of Custody Form, Control Form, and the seal on the bottle looking for any discrepancies. If any discrepancies are noted, the lab has the right to request that a new sample be obtained.
2. Assuming no discrepancies are noted, the lab will inspect the sample for contamination or alteration. This inspection will be conducted by looking at the sample and testing the sample for specific gravity. If the specific gravity is not within certain tolerances, or if any other discrepancies are noted with the sample, the lab has the right, and obligation, to require that another sample be obtained.
There is no way that a driver can alter the urine to avoid detection. The alteration will be detected and new samples must be provided under direct observation. This system can't be beat. For a driver to try simply makes matters worse.
3. Assuming the urine sample has been determined to have been collected properly, and that no alterations or contaminants are suspected, the sample will undergo an Initial Screen Test. This test is called the **EMIT Test** or **EMIT Assay**. If any of the five drugs being tested for are present in the urine, a chemical reaction will occur. The amount of the drug(s) in the urine determines the strength of the chemical reaction. Certain cutoff levels for the Emit Assay Test, for the

selected 5 tested drugs have been established by the DC A nanogram is the measure of unit used for this test.

If the initial Emit Assay Test shows that one or more of the drugs are present at a certain level, it is required that second, extremely accurate test be conducted on the same sample. This test is called the **GAS CHROMATOGRAPHY/ MASS SPECTROMETRY GS/MS**.

This test is believed to be the most sensitive and accurate drug test available. Each drug has its own fingerprint. The GC/MS basically looks for the fingerprint, identifies it, and determines the level of that drug in the urine. The scientific community agrees that if an initial EMIT Test is positive, then confirmed by the GC/MS, this then is evidence of drug usage. Scientists state that this combination of tests is 99.9% accurate, and will be upheld in a court of law.

Can the lab be wrong? Can they make an error? Can their equipment be malfunctioning? The answer is YES error may occur. What protection then, do you have to guarantee that you will not be falsely accused of drug abuse because of some type of mistake by the lab?

First, the lab to which your urine sample will be sent must be approved by the National Institute On Drug Abuse, (NIDA). The approval procedures are stringent. In order to receive this approval, the lab must prove that they adhere to the highest standards of quality control. In order for approval to be granted, the lab must also agree to have blind samples sent to them for testing. A large number of blind samples are routinely sent to each NIDA approved lab. The blind samples contain a known quantity of a known drug. These blind samples are sent to the lab by the government and companies. The lab management also routinely sends through its own blind sample. The laboratory technicians conducting the test have no way of knowing which of the samples are blind and which belong to an actual driver. If the technician conduc-

the testing misses a blind sample or incorrectly reports a wrong drug or amount, that lab risks losing their NIDA certification. Obviously, since there are so few NIDA approved labs, losing the certification could cost the lab millions of dollars in revenue. If for no other reason, labs work very hard to maintain the highest quality control standards available. Also, think about this. If a lab is suspected of finding false positives, they could be required to re-test every positive result they have reported. Labs are required to keep positive urine samples in refrigerated storage for a specified amount of time in order to be able to retest if necessary. Can you imagine what that would cost a lab reporting a large number of positive test results?

4. Assuming the GC/MS test proves that the level of drugs in the urine meets the requirements for a verified positive test, the results of the drug test will be reported to your company's MRO or Medical Review Officer as verified positive

MEDICAL REVIEW OFFICER (MRO):

Under these regulations, each organization must have a staff or contract for the services of a Medical Review Officer or MRO. The MRO is a medical doctor who has received extensive training on drugs and drug abuse. The lab must send the results of positive tests to the MRO within an average of 5 working days once the results are determined. The actual test results are never sent to the employer.

It is the responsibility of the MRO to make the final determination of a positive result. If the report he receives indicates a positive drug test for one or more of the drugs tested, the MRO will examine possible alternatives which may have resulted in a positive finding. He has the authority to check medical records and interview a driver in order to determine if a positive report is justifiable. For example, perhaps the driver was taking prescribed medication under a doctor's order, such as cough syrup which contains codeine. This would obviously show up as positive. After talking to the driver or reviewing his medical records, it is possible that the test results will be reported as negative to the employer.

If your test is positive, and there are no mitigating circumstances, the MRO will attempt to talk to you directly. If the MRO is unable to get in contact with you within a reasonable amount of time (usually 24 hours), the MRO will contact your employer and request that your employer tell you to contact the MRO. The MRO will NOT tell your employer why he wants to talk to you. Your employer must contact you and request that you contact the MRO within 24 hours. Then your employer must contact the MRO and inform the MRO that you have been notified to contact the MRO.

If you fail to contact the MRO within the prescribed time the MRO has no choice but to notify your employer that your test result was verified positive. Obviously, it is to your benefit to contact the MRO if it is requested.

HOW ALCOHOL

**IS COVERED UNDER
FMCSR 49 CFR, Part 382**

When consumed in moderation, for enjoyment, alcohol is classified as a recreational beverage. But when alcohol is consumed in quantity producing physical or mood altering effects, it becomes a substance of abuse.

EFFECTS ON DRIVING:

- ◆ Slurred Speech
- ◆ Nausea
- ◆ Aggressiveness
- ◆ Hostility
- ◆ Blackouts
- ◆ Drowsiness
- ◆ Tunnel Vision
- ◆ Coma
- ◆ Slowed Reaction Times
- ◆ Increased Tolerance Levels
- ◆ Impaired Judgment
- ◆ Distorted Sense of Time and Distance
- ◆ Memory Loss
- ◆ Unsteadiness
- ◆ Odor of Alcohol
- ◆ Incoherent
- ◆ Short Attention Span
- ◆ Blurred or Distorted Vision

As can be seen, signs and symptoms of alcohol use and misuse are very similar to other prohibited drugs.

The effects of alcohol vary dependent on many factors. The first and most obvious factor is the quantity of alcohol consumed. Other factors include, a person's body weight, whether the person is rested or tired, sick or healthy, stomach content, age, altitude and gender.

When discussing the effects of alcohol the term impairment is used. Research has shown that women will become more impaired than men of the same size and body weight and from the same quantity of alcohol because they metabolize alcohol differently than men. As a general rule, a large person will be less impaired than a smaller person drinking the same quantity of alcohol. An individual who is sick or tired will become impaired

quicker than one who is rested and healthy. And drinking at higher altitudes will cause greater impairment than drinking at lower altitudes. For example the difference between having a drink in Denver, Colorado with an altitude of 5,280 feet above sea level, and Key West, Florida with an altitude of 2 feet above sea level.

The impairment observed will be dependent upon all of these factors. Tests have shown that a driver's "reaction time increases as much as 60% after just 2 drinks.* But one thing certain: the degree of impairment and the effects on a person body changes significantly as more alcohol is ingested.

As a rule, consuming one or two drinks tends to relax individual and create a feeling of well being. Beyond one or two drinks, however, alcohol begins to react differently on individuals depending on the factors previously discussed, which determine the rate of metabolism in the body.

* *ALCOHOL AND THE COMMERCIAL DRIVER, ©CTTS™/Safety Products, Inc. vdt*

TYPES OF TESTS

The regulation requires testing for drugs or alcohol under 3 different circumstances. They are:

PART 382.303 - POST ACCIDENT TESTING

If a driver is involved in an accident, as defined in 49CFR390.5, while operating a CMV (Commercial Motor Vehicle) and the accident resulted in:

1. *Loss of human life, or*
2. *A Citation to the driver for a moving traffic violation,* the driver must take an alcohol test within two (2), but no more than eight (8) hours, and a drug test within 32 hours after the accident.

If at the time of the accident, federal, state or local officials perform an alcohol or drug test on you, the requirement for testing has been met, provided your employer obtains the results of the test. If the federal, state or local officials do not test you, it becomes the responsibility of your employer to have the test administered.

Your employer must provide training to assure that you are familiar with the requirements, procedures and instructions for post-accident alcohol and drug testing. This training must be performed prior to allowing you to operate a CMV. Drivers must be informed that except for receiving medical attention for themselves, or for other injured persons, and for leaving the scene to notify appropriate authorities, they must make themselves available for post-accident alcohol and drug testing.

Your employer must inform you that failure to make yourself available for post-accident alcohol and drug testing will be deemed as a "refusal to submit" and will carry with it the appropriate penalties.

PART 382.305 - RANDOM TESTING

Your employer must randomly select drivers to be tested throughout the year for drug and alcohol use. By the end of the calendar year, at least 50% of the drivers must have been tested for drugs and at least 25% of the drivers must have been tested

for alcohol. At each selection time all drivers must have an equal chance of being selected.

The selection process must be a scientifically valid method such as a computer-based random number generator which uses a unique identifier for each driver. The unique identifier could be the driver's social security number, payroll number or any other comparable identifying number. If you are selected for random testing, it is entirely possible that you could be chosen again during the year. Once you have been tested, your name is not removed, but goes back into the general list.

The selection times *MUST be unannounced and MUST be reasonably spaced throughout the year.* Since random drug testing is a major deterrent to substance abuse use, the DOT is very concerned that the random selection of drivers and the dates tested be spread throughout the year.

For example, let's say that a company with 100 drivers conducts its random testing in such a way that 50 drivers have been randomly selected and tested by July. The DOT may require that more random tests be performed throughout the remainder of the year because the deterrent effect of the random testing program would have been reduced.

If the employer participates in a consortium, the number of drivers to be tested may be calculated for each individual employer or based on the total number of drivers in the consortium subject to controlled substance testing.

Drivers who have been chosen for a random test must proceed immediately to the test site. The only exception is the driver on duty, performing a safety-sensitive function. The employer must ensure that this driver cease performing the safety-sensitive function and proceed to the test site as soon as possible.

PART 382.307 - REASONABLE SUSPICION TESTING

An employer must require a driver to submit to a controlled substances test if the employer has "reasonable suspicion" to believe that the driver has violated the prohibitions of Subpart B concerning controlled substances. The employer who observes suspicious behavior in a driver based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, has the right and responsibility to require the driver to be tested for drug use.

The Supervisor charged with the responsibility of determining reasonable suspicion must have sixty (60) minutes of training on controlled substance use and sixty (60) minutes of training on alcohol misuse. The training must cover the physical, behavioral, speech and performance indications of probable use of controlled substances.

If a supervisor has not gone through the 120 minutes of training, he/she cannot be given the responsibility of determining whether reasonable suspicion exists to require a driver to take a controlled substance test.

Only one supervisor is needed to make a reasonable suspicion determination. However, even though the regulations only require that one trained supervisor is needed to make a reasonable suspicion determination, whenever possible, two (2) trained supervisors should observe the employee and concur that reasonable suspicion does indeed exist and that the employee should be required to take a controlled substance test. For alcohol testing, the supervisor who determines reasonable suspicion cannot be the one to administer the breath test.

It is critically important that all reasonable suspicion be thoroughly documented. Part 382.307 (f) requires that a written record of the observations leading to a controlled substance test be created by the Supervisor(s) making the observations. It must be made within 24 hours of the observed behavior or before the results of the test are released to the employer.

PART 382.311 FOLLOW-UP TESTING

When it has been determined that a driver has participated in a prohibited conduct as outlined in Subpart B, that driver must be removed from any safety-sensitive functions and referred to a substance abuse professional in accordance with the provisions contained in Part 382.605. (See page 37-39.) Once the driver has met the provisions of Part 382.605, he may return to duty and perform safety-sensitive functions, but will be required to undergo follow-up testing.

The follow-up testing must consist of at least six tests in the first 12 months following the driver's return to duty. If the substance abuse professional determines that follow-up testing for both alcohol and controlled substances be conducted, follow-up tests will be conducted for both. This is true even though the driver may have violated only the regulation pertaining to substance abuse prohibition.

After 6 tests during a period of one year, the substance abuse professional may make the determination that there is no need for more follow-up tests. However, the substance abuse professional can require that follow-up testing continue for a period of up to 5 years.

PART 382.301 - PRE-EMPLOYMENT TESTING

Refusal to submit to Pre-Employment Testing disqualifies a driver from employment.

PART 382.309 - RETURN-TO-DUTY TESTING

Refusal to submit to Return-To-Duty Testing disqualifies a driver from returning to work.

REFUSAL

TO SUBMIT TO TESTING

PENALTIES & CONSEQUENCES

If you refuse to submit to a required drug or alcohol test, you will not be permitted to perform or continue to perform any safety-sensitive functions until you have complied with the regulations set forth in *Part 382, Subpart F, 392.605*, which refer to the portion of the regulations on referral, evaluation and treatment.

WHAT CONSTITUTES A REFUSAL?

Obviously if you say "no" and refuse to take a required test that would be a refusal.

Under the regulations, if a driver fails to provide adequate breath for testing without a valid medical explanation, that would constitute a refusal.

In the event of a controlled substances test, if the driver fails to provide adequate urine for testing, without a valid medical explanation, this would also constitute a refusal.

If a driver engages in conduct that "clearly obstructs" the testing process, that would be considered a refusal.

If after an accident where a fatality occurred or a driver was issued a citation and the driver failed to make him or herself available for a test, that would be considered a refusal.

If you refuse to take a required test, your employer is required to refer you to a substance abuse professional. The substance abuse professional will evaluate you and determine if treatment is necessary. If the substance abuse professional determines that treatment is necessary, you must successfully complete the treatment and undergo a return-to-duty test before you will be allowed to return to work. The substance abuse professional can also determine that the return-to-duty test can be for both alcohol and drug, regardless of why you were originally referred. If the return-to-duty test is for controlled substances you must receive a verified negative test result. If it is for alcohol, your breath concentration must be less than 0.02.

The consequences for drivers who engage in prohibited substance abuse or alcohol misuse practices are outlined in *Sub-part E of Part 382* and in *49 CFR, Part 383, The Commercial Drivers Licensing Standards*.

These consequences for drivers and employers who violate the rules are strict.

FOR DRIVERS, violations of these rules may mean loss of income, loss of job, loss of license, referral to a substance abuse professional and subsequent counseling, and civil as well as criminal penalties including incarceration (jail time).

Subpart E states that a driver found to have engaged in prohibited conduct as outlined in *Subpart B*, shall not perform a safety-sensitive function until he has complied with the regulations found in *Subpart F* which requires referral, evaluation and/or treatment for substance abuse, and has undergone return-to-duty testing and is participating in follow-up testing as prescribed by a substance abuse professional.

FOR EMPLOYERS, violations of *Part 382* can result in major fines from the DOT, the levy of an unsatisfactory rate from the DOT, possible loss of insurance and the possibility of major liability in the event of a lawsuit involving an accident where a driver under the influence of a controlled substance was involved. *Subpart E* states that the employer shall not permit any driver to perform a safety-sensitive function if the driver has violated the prohibitions found in *Subpart B* until the driver has satisfied the provisions of referral, evaluation and/or treatment and has received a negative return-to-duty test.

OTHER PENALTIES

& CONSEQUENCES

If a driver is found guilty by a court of law to be operating a commercial motor vehicle under the influence of a controlled substance, the driver is also subject to the penalty provisions outlined in 49 CFR Part 383.51, the Commercial Driver's License Standards.

These rules state that while operating a commercial motor vehicle, any driver who refuses to take a controlled substance test or has a verified positive test result will, upon conviction for first offense, lose his/her license for a period of one year. A second conviction will result in a lifetime loss of license. (If hauling hazardous material, the loss of license for first offense will be for three years. A second conviction will result in a lifetime loss of the drivers commercial drivers license.)

Please be aware that under this section, the employer is not prohibited from taking other punitive action which is consistent with a law or any existing bargaining agreements, or company policy.

For example, let's say that company policy states that if a driver is found to be under the influence of a controlled substance while operating a commercial motor vehicle as verified by a positive controlled substance test, he/she will be terminated immediately. That action is permitted under the independent authority of the employer, provided the employer has provided the driver with the company policies and procedures and the driver is informed that he/she is being terminated due to violation of company policies.

In addition to these penalties, the driver is also subject to any penalties, fines or jail time imposed by local or state jurisdictions.

PART 382.605

REFERRAL, EVALUATION & TREATMENT

This part of the regulation is very specific regarding the actions of the employer in the event a driver has a verified positive controlled substance test. It is also very specific in regards to the required actions for a driver who has had an alcohol breath test indicating an alcohol concentration of 0.04 or more.

As opposed to simply levying penalties against the driver, the regulation requires the driver to be referred to a substance abuse professional to help determine if the driver needs to undergo counseling for a substance abuse problem.

Let's look at the chain of events which are triggered if you have a verified positive controlled substance test:

1. Your employer must give you a list of resources available indicating where you can be evaluated and receive help to resolve any problems associated with substance abuse. This list must include the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.
2. You must be evaluated by a substance abuse professional who shall determine what assistance, if any, you need to help you resolve any problems associated with substance abuse.
3. Before returning to duty you must undergo a return-to-duty controlled substance test that returns a verified negative test or an alcohol test indicating less than 0.02 alcohol concentration.

If the initial evaluation by the substance abuse professional indicated a need for assistance in resolving substance abuse problems, you must be re-evaluated by a substance abuse professional to ensure that you have properly followed any rehabilitation program prescribed by the substance abuse professional.

Once back to work in a safety-sensitive function, you will be required to take a minimum of six (6) follow-up tests during the first 12 months following your return-to-duty. If so indicated by the substance abuse professional, the follow-up testing may continue for up to 60 months.

Note: Even though you may have only violated the prohibitions regarding controlled substance use, the substance abuse professional may require that you submit to alcohol and controlled substance testing if he/she determines during the evaluation that a problem may have also existed with alcohol misuse. The substance abuse professional can require both alcohol and controlled substance testing for the return-to-duty test, as well as the follow-up tests.

The substance abuse professional may terminate the requirement for follow-up testing anytime after the first six (6) test have been administered.

The evaluation and rehabilitation may be provided by the employer if the employer has a certified substance abuse professional on staff, provided the substance abuse professional meets the requirements as outlined in the definitions section of the requirements.

The evaluation and rehabilitation may also be performed by a substance abuse professional under contract to the employer or by a substance abuse professional not affiliated with the employer.

It is the employer's responsibility to ensure that the substance abuse professional who recommends treatment for a driver, does not refer you to the substance abuse professional's

private practice or to a program to which the substance abuse professional will receive remuneration.

The employer is not required by these regulations to pay for the evaluation, treatment, rehabilitation or counseling. When creating these regulations, the FHWIA decided to permit the company or organization to determine who would pay for evaluation and any subsequent treatment.

These requirements for referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to pre-employment drug and alcohol testing or who have a pre-employment drug or alcohol test with a verified positive result.

WHERE TO FIND HELP

Many companies have an Employee Assistance Program (EAP). Check with your supervisor to see if such a program is available through the company.

Many company-sponsored health insurance programs, as well as some private health insurance programs pay for treatment of substance abuse or alcohol abuse.

If you think that you, or a co-worker may have a substance abuse or alcohol misuse problem, please seek help.

HELP IS AS CLOSE AS YOUR TELEPHONE.

To find the name and number of a treatment program available in your community, look in the YELLOW PAGES under the heading of Alcoholism, Counseling, Drug Rehabilitation or Substance Abuse. Or, you can contact one of the following agencies who will be able to refer you to a substance abuse professional:

National Institute on Drug Abuse: 1(800) 662-4357

Or

National Institute on Alcoholism: 1(800) 622-4357

ADDENDUM FOR DRIVERS OF VEHICLES COVERED BY FEDERAL TRANSIT AUTHORITY (FTA) REGULATIONS

Certain provisions of the regulations are somewhat different when applied to drivers of vehicles under FTA jurisdiction. The differences are as follows:

1. Accident requiring post-accident testing for drugs and alcohol; an accident requiring testing has occurred if:
 - A. A mass transit vehicle or another vehicle involved in the accident (e.g., a private automobile) must be TOWED AWAY from the scene (disabling damage);
 - B. If an individual is killed in the accident or if any individual requires immediate medical attention away from the accident site, or
 - C. If a revenue producing vehicle must be removed from service due to the accident.
2. Safety-sensitive function is defined as:
 - A. Operating a revenue service vehicle, including when not in revenue service (e.g., even if the vehicle does not qualify as a Commercial Motor Vehicle but is used to transport revenue producing passengers including the driver)
 - B. Operating a non-revenue service vehicle when required to be operated by the holder of a CDL;
 - C. Controlling dispatch or movement of revenue producing vehicle(s);
 - D. Maintaining a revenue service vehicle or equipment used in revenue service - this means MECHANICS. (This provision does not apply in jurisdictions with less than 200,000 population which receive Section 18 funding and contract out the service), and,

E. Carrying a firearm for security purposes. Security personnel not carrying a firearm are not considered to be performing a safety-sensitive function.

Employees who register a positive alcohol test result between 0.02 and 0.39 may be returned to duty after a confirmation test registering less than 0.02 (unless company policy is more stringent). If removed from work due to a positive test they may return to work, after producing a negative test result, at their next scheduled work period providing it is not less than 8 hours from the time of being removed from the safety-sensitive function (FHWA requires a 24 hour waiting period). Part 654.25 states that safety-sensitive personnel who are on call must be allowed by their employer to:

1. State whether he/she has used alcohol during the prohibited 4 hour period prior to reporting for work, and,
2. Indicate whether they are, in their opinion, able to perform a safety-sensitive function. If the employee does not feel capable, the employer shall excuse the employee from duty. If the employee states that he/she is capable, an alcohol test must be performed and the rules covering concentrations of 0.02 to 0.39 will apply. If, however, an employee does not admit to use of alcohol, he/she may be subject to a reasonable suspicion test, and all sanctions would then apply should the employee test at 0.04 or greater.

ANY QUESTIONS?

If you have any questions regarding our company's/ organization's policies and procedures relating to substance abuse or alcohol misuse, or,

If you have any questions regarding our company's/ organization's adherence to 49 CFR, Part 382, Controlled Substances and Alcohol Use Testing, or,

If you have any questions about any of the materials and information you have received in regards to Controlled Substance Abuse or Alcohol Misuse;

The person designated to answer those questions is:

Name: Tom Acosta
(Name of Person designated by Employer to answer questions)

Title: Asst. Human Resources Director

Phone: (43) 587-1257
(Phone number of Person designated by Employer to answer questions)